

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DIANA FRICK and JOSEPH FRICK, her husband,      CASE NO. 2:15-cv-00360-DSC

**JURY TRIAL DEMANDED**

Plaintiffs,

vs.

BIG LOTS STORES, INC.,

Defendant,

vs.

BUREAU VERITAS CONSUMER PRODUCTS SERVICES, INC.; BUREAU VERITAS CONSUMER PRODUCTS SERVICES (INDIA) PVT. LTD.; DESIGNCO OVERSEAS PRIVATE LIMITED a/k/a DESIGNCO INDIA d/b/a DESIGNCO; AND HOC INDUSTRIES, INC. f/k/a THE HOME OIL COMPANY f/k/a THE HOME OIL COMPANY, INC. d/b/a HOMESTAR,

Third Party Defendants

**DEFENDANT BIG LOTS STORES, INC.'S MOTION FOR AN EXTENSION OF TIME TO EFFECT SERVICE OF SUMMONS AND THIRD-PARTY COMPLAINT**

Defendant, BIG LOTS STORES, INC., by and through counsel, JASON G. WEHRLE, ESQUIRE, JOSHUA K. BOGGS, ESQUIRE, AND RYAN MICK, ESQUIRE, and the law firm of MINTZER, SAROWITZ, ZERIS, LEDVA & MEYERS, LLP, respectfully moves for an extension of time to effect service of Summons and Third-Party Complaint on third-party defendants, Bureau Veritas Consumer Products Services, Inc.; Bureau Veritas Consumer Products Services (India) Pvt. Ltd (“Bureau Veritas India”); and Designco Overseas Private Limited a/k/a Designco India d/b/a Designco (“Designco”). Defendant BIG LOTS STORES, INC., has attempted service on Bureau Veritas India, and Designco through the Hague

Convention. Defendant BIG LOTS STORES, INC., received confirmation that its documents were received by the Central Authority in India on September 22, 2015, but has received no proof that they were served. Due to the lack of confirmation of service upon Bureau Veritas India and Deisgnco, Defendant BIG LOTS STORES, INC., seeks an extension to effectuate service on the above-mentioned corporations and also seeks an extension to effectuate service upon Bureau Veritas Consumer Products Services, Inc., at its principle place of business in New York, New York.

Rule 4(m) of the Federal Rules of Civil Procedure provides,

"If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the [plaintiff] shows good cause for the failure, the court must extend the time for service for an appropriate period."

Therefore, Defendant, BIG LOTS STORES, INC., seeks an extension of time of ninety (90) days to effectuate service on the above named Third-Party Defendants.

WHEREFORE, based on Federal Rule of Civil Procedure 4(m) and good cause shown, Defendant moves the court for an extension of time to serve the aforementioned third-party defendants. Defendant will file a Memorandum of Law in Support of this Motion if this Honorable Court deems necessary.

**MINTZER, SAROWITZ, ZERIS, LEDVA  
& MEYERS, LLP**

*/s/ Ryan R. Mick*

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